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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 CRAIG L. JACOBSEN, JR.,

10 Plaintiff,

11 v.

12 HON. MICHAEL DOUGLAS, *et al.*,

13 Defendants.

Case No. 2:16-cv-00332-MMD-VCF

14 ORDER ACCEPTING AND ADOPTING  
15 REPORT AND RECOMMENDATION  
16 OF MAGISTRATE JUDGE  
17 CAM FERENBACH

18 Before the Court is the Report and Recommendation of United States Magistrate  
19 Judge Cam Ferenbach (ECF No. 10) (“R&R”) relating to plaintiff’s application to proceed  
20 *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 5). Plaintiff had until  
21 August 22, 2016, to file an objection. No objection to the R&R has been filed.

22 This Court “may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
24 timely objects to a magistrate judge’s report and recommendation, then the court is  
25 required to “make a *de novo* determination of those portions of the [report and  
26 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party  
27 fails to object, however, the court is not required to conduct “any review at all . . . of any  
28 issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
magistrate judge’s report and recommendation where no objections have been filed.  
See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the  
standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); *see also Schmidt v. Johnstone*,  
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in  
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
4 issue that is not the subject of an objection."). Thus, if there is no objection to a  
5 magistrate judge's recommendation, then the court may accept the recommendation  
6 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without  
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Ferenbach's R&R. Upon reviewing the  
10 R&R and proposed complaint, this Court finds good cause to accept and adopt the  
11 Magistrate Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and  
13 Recommendation of Magistrate Judge Cam Ferenbach (ECF No. 10) is accepted and  
14 adopted in its entirety.

15 It is ordered that plaintiff's application to proceed *in form pauperis* (ECF No. 1) is  
16 granted; plaintiff will not be required to pay an initial fee.

17 It is further ordered that the complaint (ECF No. 5) is dismissed with prejudice.

18 The Clerk is directed to enter judgment in accordance with this Order and closed  
19 this case.

20 DATED THIS 11<sup>th</sup> day of October 2016.



21  
22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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